

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 366 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----

AJITKUMAR C MODI

Versus

HANSABEN W/OF HASMUKHLAL                      GOPALDAS MODI

-----

Appearance:

MR YN OZA for Appellant

MR MS JAISWAL for Respondent No.1 and

MR PB MAJMUDAR for Respondent Nos. 2 to 4.

-----

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 19/09/97

ORAL JUDGEMENT

This appeal is directed against the order dated September 22, 1987, passed by the City Civil Court, Ahmedabad, accepting the Notice of Motion and granting interim injunction as prayed for by the respondent-plaintiff in Civil Suit No. 251 of 1987.

2. The suit is filed by the respondent-plaintiff on the basis that the plaintiff is the owner of the suit

property and is in possession thereof, and the defendant was trying to disturb the possession of the plaintiff. The trial court has restrained the appellant-defendant from interfering with the plaintiff's possession of the suit property.

3. The present appeal against the above order was admitted in the year 1988. The suit is pending since 1987. In view of the aforesaid position, it appears to the Court to be just and proper to direct the parties to maintain the status quo as on today till disposal of the suit, and the trial court is directed to hear and decide the suit as expeditiously as possible and preferably by April 30, 1998.

4. It is clarified that the trial court shall hear and decide the suit in accordance with law without being influenced by the orders passed in this appeal.

5. In terms of the aforesaid directions and clarification, the appeal is disposed of with no order as to costs.

\*\*\*\*\*

Amp/-